

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**EASTMOOR ESTATES RESIDENTS
ASSOCIATION, ET AL.**

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:10CV144-NBB-JMV

EASTMOOR ESTATES, L.P., ET AL.

DEFENDANTS

CONSOLIDATED WITH

SOUTHERN FIRE AND CASUALTY COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 4:11CV34-GHD-JMV

GLENN MILLER, ET AL.

DEFENDANTS

SCHEDULING ORDER FOR PROPOSED SETTLEMENT PROCEEDINGS

THIS MATTER is before the Court upon its own Motion, all Parties having represented that a global settlement has been reached in the above-captioned cases, contingent upon this Court's approval of same pursuant to the Class Action Fairness Act, Federal Rule of Civil Procedure 23, and related governing authorities. The Court is further advised that the parties agree to the schedule set forth herein for the proceedings pertaining to the proposed settlement in the consolidated cases styled *Eastmoor Estates Residents Assn., et al v. Miller*, Civil Action No. 4:10 cv 00144 and *Southern Fire & Casualty Company v. Miller, et al*, Civil Action No. 4:11 cv 00034. The Court hereby ORDERS as follows:

1. Sunflower County, through counsel, has signed and executed a Settlement Agreement ("Sunflower Settlement Agreement") with Plaintiffs. By August 31, 2012, the

Plaintiffs shall execute and file the Sunflower Settlement Agreement.

2. By August 31, 2012 the City of Moorhead and Plaintiffs shall execute and file a Settlement Agreement between City of Moorhead and Plaintiffs (“Moorhead Settlement Agreement”).

3. By August 31, 2012, the Miller Defendants, Sunflower County, and the City of Moorhead shall sign and execute Settlement Agreements for any claims any of the Defendants may have against each other (“Cross-Claim Settlement Agreements”).

4. Such document already having been signed, by August 31, 2012, the Plaintiffs and Miller Defendants shall file their proposed Settlement Agreement (“Eastmoor Estates Class Settlement Agreement”), as well as the Proposed Claim Form, and the Releases, and all exhibits to the proposed Settlement Agreement.

5. By September 7, 2012, pursuant to and consistent with the terms of the Eastmoor Estates Class Settlement Agreement, the responsible party(ies) shall provide the notices required by the Class Action Fairness Act (CAFA) to U.S. Attorney General and State Attorneys General.

6. By September 7, 2012, pursuant to and consistent with the terms of the Eastmoor Estates Class Settlement Agreement, Plaintiffs shall file a Motion to Certify a Class for Settlement Purposes and For Preliminary Approval of the Proposed Class Action Settlement along with a Revised Motion To Appoint Class Counsel and Class Representatives.

7. By Friday, September 14, 2012, pursuant to and consistent with the terms of the Eastmoor Estates Class Settlement Agreement, the Miller Defendants shall provide the Settlement Administrator with a First Class Mail Notice List (“FCM Notice List”), including the potential claimants’ name and most recent address, as available.

8. By Friday, September 7, 2012, the City of Moorhead shall file with the Court the

timeline for the expeditious replacement of the water and sewer systems at Eastmoor Estates, pursuant to the terms of the Moorhead Settlement Agreement.

9. By Friday, September 7, 2012, Sunflower County shall file with the Court the timeline for the expeditious replacement of the roads at Eastmoor Estates, pursuant to the terms of the Sunflower Settlement Agreement.

10. Not later than fourteen (14) days after the following events occur (if they occur), (a) the Court's preliminary approval of the proposed Eastmoor Estates Class Settlement Agreement, (b) the Court's approval of the proposed Settlement Long Form Notice, and (c) the Court's setting of the Final Fairness Hearing, the Settlement Administrator, pursuant to and consistent with the terms of the Eastmoor Estates Class Settlement Agreement, shall provide the Settlement Long Form Notice by Certified Mail to the FCM Notice List, and shall publish the Publication Notice for three consecutive weeks in the Enterprise Tocsin newspaper.

11. No sooner than fourteen (14) days after mailing the Settlement Long Form Notice to FCM Notice List but not later than thirty (30) days after mailing the Settlement Long Form Notice to FCM Notice List, pursuant to and consistent with the terms of the Eastmoor Estates Class Settlement Agreement, the Settlement Administrator shall hold, in or near Moorhead, MS, one or more informational meetings for potential claimants.

12. No later than seven (7) days prior to the scheduled date for the Final Fairness Hearing, pursuant to and consistent with the terms of the Eastmoor Estates Class Settlement Agreement, the Settlement Administrator shall file proof of service and publication of the Long Form Settlement Notice with the Court.

13. Consistent with applicable law, the date for the Final Fairness Hearing will be set no less than ninety (90) days from the date that CAFA notice obligations are met, consistent with applicable law and pursuant to and consistent with the terms of the Eastmoor Estates Class Settlement Agreement. The parties to Civil Action Number 4:11-CV-34 NBB-JMV shall submit to the Court a proposed Final Judgment dismissing that case with prejudice within two (2) weeks after the Effective Date of the Settlement as defined in the Eastmoor Estates Class Settlement Agreement. The parties to Civil Action Number 4:11-CV-34 NBB-JMV shall finalize and execute releases during this period as well but such releases need not be filed with the Court.

14. Within 14 days after the Effective Date of Eastmoor Estates Class Settlement Agreement is given, the Miller Defendants' insurers shall deposit \$400,000 into the Settlement Fund, to be held in trust by Plaintiffs' counsel, pursuant to and consistent with the terms of the Eastmoor Estates Class Settlement Agreement, including the timelines set forth therein.

15. Distribution of the Settlement Funds to class members according to the terms of the Settlement Agreement, the class process, and the Court's orders, shall be made after the provision of the releases are presented to the Miller defendants and at a time consistent with the terms of the Eastmoor Estates Class Settlement Agreement.

16. Until further notice, the stay entered by the Court pursuant to Order on August 8, 2012, shall remain in effect as to all discovery and litigation proceedings. The parties are authorized to proceed consistent with this Order and their settlement agreements but not otherwise without leave of Court.

17. This Order is entered to facilitate the class action settlement process consistent with applicable law and is not entered to supplant or contradict the settlement agreements entered between the parties.

SO ORDERED, this the 27th day of August, 2012.

/s/ Jane M. Virden
U.S. Magistrate Judge